



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

MEMORANDUM

TO: Hector Guerra and Aaron Bock, Tulare County

FROM: Austin Pearson, Live Oak Associates, Inc.

RE: Recent Changes to Valley Elderberry Longhorn Beetle Range

DATE: September 23, 2014

Hector and Aaron:

This memo summarizes recent decisions made by U.S. Fish and Wildlife Service (USFWS) regarding the Valley elderberry longhorn beetle (VELB), and discusses how it affects Tulare County. On September 17th, 2014, the USFWS published, in the Federal Register, its determination to withdrawal the October 2, 2012 Proposed Rule to remove the VELB from the Federal List of Endangered and Threatened Wildlife. At the same time, they significantly reduced the southern portion of its presumed historic range, excluding Kings, Kern and Tulare Counties. As a result, the regulatory protections of the Federal Endangered Species Act will now be applied to a smaller area. Kings, Kern and Tulare counties are no longer considered within the range of the species, and new projects in these Counties are no longer required to consult with the Service concerning the VELB, as described in the *Withdrawal of the Proposal to Delist the Valley Elderberry Longhorn Beetle (VELB): Questions and Answers* published on the USFWS website on September 17, 2014.

There are still a lot of unknowns with regards to how VELB mitigation efforts that are in process and/or ongoing will be affected. Those projects will almost certainly be dealt with on a project by project basis, in consultation with the USFWS and any third parties that may be involved.

Some suggested language for your use:

On September 17th, 2014, the U.S. Fish and Wildlife Service (USFWS) published its determination to withdrawal the Proposed Rule to remove the Valley elderberry longhorn beetle (VELB) from the Federal List of Endangered and Threatened Wildlife. With this decision the VELB remains protected under the Federal Endangered Species Act as a threatened species. However, in the same publication, the USFWS significantly reduced the southern portion of the VELB's presumed historic range, excluding Kings, Kern and Tulare Counties. As such, Tulare County is no longer considered within the range of the species, and new projects within its boundaries no longer need to consult with the Service regarding the VELB.